

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY MAY, 14 2003
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL KOEHS, CLERK
MARIE MALBURG, TREASURER
TRUSTEES: JANET DUNN
DINO F. BUCCI, JR.
CHARLES OLIVER
KENNETH MEERSCHAERT, JR.

ABSENT: NONE.

Also in attendance: Larry Dloski, Township Attorney
Jerome R. Schmeiser, Community Planning Consultant
James Van Tiflin, Project Manager for Spalding & DeDecker
Associates.
(Additional attendance record on file with Clerk)

Call Meeting to Order

1. Roll Call

Clerk KOEHS called the Roll Call. All members present.

2. PLEDGE OF ALLEGIANCE

3. Presentation of certificates to the Deputy Sheriffs

Clerk KOEHS presented the officers Deputy Jeffrey Pintal, Deputy Peter Gennette and Deputy Philip Abdoo (not present) Lieutenant Bill Donovan present for acceptance on behalf of Mr. Abdue with a certificate of appreciation from Macomb Township for their part in the apprehension of a dangerous felon.

4. Approval of Agenda Items (with any addendums)

MOTION by DUNN seconded by BUCCI to approve to addendums for the May 14, 2003 agenda.

MOTION carried.

5. Approval of Bills

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MOTION by OLIVER seconded by MALBURG to approve the Bills as submitted.

MOTION carried.

6. Approval of Meeting Minutes

MOTION by DUNN seconded by MALBURG to approve the April 23, 2003 revised meeting minutes.

MOTION carried.

7. Public Comments (Non Agenda items only - 3 minute time limit)

Public Portion: The following individuals all made public comments: Olive Kulhanek, Erik Davis, James Myers, Tom Cavanaugh, Kevin Karwowicz, and David Height.

PUBLIC HEARING:

8. Request to Adopt Resolution No. 2; Middlecreek Estates Subdivision;
Stormceptor Basin

Supervisor BRENNAN opened the Public Hearing at 7:35P.M.

MOTION by DUNN seconded by KOEHS to close the Public Hearing at 7:37P.M.

MOTION carried.

MOTION by OLIVER seconded by BUCCI to adopt resolution No. 2; Middlecreek Estates Subdivision as follows:

RESOLUTION NO. 2

*Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on **May 14, 2003**, at 7:00 o'clock P.M., Eastern Daylight Saving Time.*

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Charles Oliver, Janet Dunn, Kenneth Meerschaert, Jr.

ABSENT: None.

The following preamble and resolution were offered by Member OLIVER and supported by Member BUCCI.

WHEREAS, the Macomb Township Board (the "Township") has passed a resolution dated **April 9, 2003**, establishing a Special Assessment District subject to a public hearing, for the purpose of maintaining and operating a stormceptor structure as described in Exhibit "A" attached hereto; and

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WHEREAS, pursuant to Section 192a(2) and 192a(5) of Act 288, P.A. 1967, as amended, (the "Act"), proper notice having been given, a hearing was held on **May 14, 2003**, on creation and maintaining the stormceptor structure, including removal of weeds and other debris, by special assessment on the property benefited thereby. At such hearing, the establishment of the Special Assessment District and defraying the cost of operating and maintaining the stormceptor structure by special assessment was approved; and

WHEREAS, the Special Assessment District consists of Lots 1 through 44, inclusive, Middlecreek Estates Subdivision (the "Plat"), and as described in Exhibit "B" attached hereto, as approved by the Township; and

WHEREAS, Lots 1 through 44, inclusive, within the Plat are benefited by the stormceptor structure; and

WHEREAS, pursuant to Section 192a(3) of the Act allows the Township to, subject to approval at public hearing, determine the annual cost of the operation and maintenance of the stormceptor structure, determine the annual special assessment levy, prepare a special assessment roll, and direct the spread of the assessment levy on all property in the district.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD
OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

1. That the Special Assessment District created by resolution on **April 9, 2003** is confirmed. The boundaries of the Special Assessment District are more particularly described in Exhibit "B" attached to this Resolution and made a part hereof.

2. That the authority to defray the cost of operating and maintaining the stormceptor structure by special assessment on the property benefited thereby as adopted by the Township by resolution on **April 9, 2003**, and approved a public hearing on **May 14, 2003** is confirmed.

3. That in the event the Township has or intends to expend funds for the maintenance and operation of said stormceptor structure, the Township shall prepare a special assessment roll, determine the annual cost of the operation and maintenance of the stormceptor structure, establish an annual special assessment levy, and prepare a plan to spread the assessment levy of each lot within the Special Assessment District be equal to the annual cost of the operation and maintenance of the stormceptor structure multiplied by a fraction, the numerator of which is one (1) and the denominator of which is the total number of lots in the Special Assessment District.

4. That after the determination of the annual cost of the operation and maintenance of the stormceptor structure, the Township shall give notice of and hold a public hearing to approve such costs, the establishment of the annual special assessment levy and the plan to spread the annual special assessment.

5. That the Township Board be and hereby is authorized, empowered and directed to make, execute and deliver any and all instruments, papers and documents and to do and perform any and all acts and things which shall be or become necessary, proper, convenient or desirable to carry out, put into effect, or make operative any and all matters and things authorized or permitted to be done in the hereinabove resolution.

AYES: OLIVER, BUCCI, DUNN, MEERSCHAERT, MALBURG, KOEHS, BRENNAN.

NAYS: NONE.

RESOLUTION DECLARED ADOPTED.

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Michael D. Koehs
Macomb Township Clerk

FOR THIS MOTION: OLIVER, BUCCI, DUNN, MEERSCHAERT, MALBURG,
KOEHS, BRENNAN.

OPPOSED: NONE.

ABSENT: NONE

MOTION carried.

PLANNING COMMISSION:

9. Rezoning; Agricultural (AG) to Residential Urban One Family (R-1); Located on the north side of 25 Mile Road between Romeo Plank Road and Luchtman Road; Wolverine 25 Mile Road, L.L.C, Petitioner. Permanent Parcel No. 08-05-301-005.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: Kevin Karwowicz held a detailed discussion regarding his concerns of the current proposal and represented many Township residents and voiced their concerns with the members of the Board. Supervisor BRENNAN addressed each item. James Myers stated his concerns with the proposal. Walter Gresko stated his concerns with the proposal and also stated his concerns regarding the fees paid for his property adjacent to Golf Course. Additional residents then stated their concerns to the members of the Board. Jim Rogers, Fire Fighter of Macomb Township reviewed services provided by the Township.

Petitioner: Lorenzo Cavaliere present.

MOTION by OLIVER seconded by DUNN to approve the Rezoning; Agricultural (AG) to Residential Urban One Family (R-1); Located on the north side of 25 Mile Road between Romeo Plank Road and Luchtman Road; Wolverine 25 Mile Road, L.L.C, Petitioner. Permanent Parcel No. 08-05-301-005.

MOTION carried.

Board adjourned into five minute recess.

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10. Final Plat; Adrienne Estates No. 2; Located approximately 711 feet east of Heydenreich Road and 1,300 feet south of 21 Mile Road; GTR Builders, Petitioner; Permanent Parcel No. 08-34-151-014.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Not present.

MOTION by OLIVER seconded by BUCCI to approve and authorize the Township Clerk to sign the Mylar for the Final Plat; Adrienne Estates No. 2; Located approximately 711 feet east of Heydenreich Road and 1,300 feet south of 21 Mile Road; GTR Builders, Petitioner; Permanent Parcel No. 08-34-151-014.

MOTION carried.

11. Final Preliminary Plat; English Gardens Subdivision No. 2; Located on the east side of Romeo Plank Road and approximately 782 feet south of 26 Mile Road; Northern Macomb Development, Petitioner; Permanent Parcel No. 08-05-100-034.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: David Meckl present.

MOTION by DUNN seconded by MEERSCHAERT to approve the Final Preliminary Plat; English Gardens Subdivision No. 2; Located on the east side of Romeo Plank Road and approximately 782 feet south of 26 Mile Road; Northern Macomb Development, Petitioner; Permanent Parcel No. 08-05-100-034.

MOTION carried.

12. Tentative Preliminary Plat; Bellagio Subdivision; Located south of 26 Mile Road and approximately ½ mile west of Romeo Plank Road. Franco Mancini, Petitioner; Permanent Parcel No. 08-06-200-046.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Franco Mancini present.

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MOTION by BUCCI seconded by DUNN to approve the Tentative Preliminary Plat; Bellagio Subdivision; Located south of 26 Mile Road and approximately ½ mile west of Romeo Plank Road. Franco Mancini, Petitioner; Permanent Parcel No. 08-06-200-046. This approval is subject to the petitioner obtaining the variance from The Zoning Board of Appeals as discussed.

MOTION carried.

13. Land Division Variances; Buckingham Village Subdivision No. 2; Located on the south side of 23 Mile Road east of Heydenreich Road; GTR Builders, Petitioner. Permanent Parcel No. 08-22-100-018.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Craig Duckwitz present.

MOTION by KOEHS seconded by MALBURG to approve the Land Division Long Block Length Variance; Located on the North West portion on the plat for Buckingham Village Subdivision as shown and recommended by the Community Planning Consultants. Permanent Parcel No. 08-22-100-018.

MOTION carried.

MOTION by KOEHS seconded by MALBURG to approve the Land Division Long Block Length Variance; Located on the East portion of the plat for Buckingham Village Subdivision as shown and recommended by the Community Planning Consultants. Permanent Parcel No. 08-22-100-018.

MOTION carried.

MOTION by KOEHS seconded by MALBURG to approve the Land Division Variance; Eliminating the stub street South on the Plat for Buckingham Village Subdivision. Permanent Parcel No. 08-22-100-018.

MOTION carried.

14. Tentative Preliminary Plat; Buckingham Village Subdivision No. 2; Location on the south side of 23 Mile Road east of Heydenreich Road; GTR Builders, Petitioner; Permanent Parcel No. 08-22-100-018.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

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Petitioner: Craig Duckwitz present.

MOTION by DUNN seconded by OLIVER to approve the Tentative Preliminary Plat; Buckingham Village Subdivision No. 2; Located on the south side of 23 Mile Road east of Heydenreich Road; GTR Builders, Petitioner; Permanent Parcel No. 08-22-100-018.

MOTION carried.

15. Land Division Variance Section 17-140A Landscape Easement; Castle Mar Subdivision; Located on the north side of 23 Mile Road and west of Card Road; Simone Mauro, Petitioner. Permanent Parcel No. 08-15-476-011.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Vita Mauro present.

MOTION by BUCCI seconded by MALBURG to approve the Land Division Variance Section 17-140A Landscape Easement; Castle Mar Subdivision; Located on the north side of 23 Mile Road and west of Card Road; Simone Mauro, Petitioner. Permanent Parcel No. 08-15-476-011. This approval will expire on July 1, 2003.

MOTION carried.

16. Temporary Sales Trailer & Gravel Drive; Silver Pines Village Condominiums; Located on the west side of Romeo Plank Road and approximately 300 feet south of 24 Mile Road; Kirk Maas, Petitioner; Permanent Parcel No. 08-17-100-044.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Kirk Maas present.

MOTION by DUNN seconded by MEERSCHAERT to approve the Temporary Sales Trailer, Gravel Drive, & Ground Sign; Silver Pines Village Condominiums; Located on the west side of Romeo Plank Road and approximately 300 feet south of 24 Mile Road; Kirk Maas, Petitioner; Permanent Parcel No. 08-17-100-044. This approval will expire on May 14, 2004. This approval includes the ground signage.

MOTION carried. *Trustee BUCCI opposed.*

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OLD BUSINESS:

17. Release of Monuments and Irons Bond; Summerfield Estates No. 4; Located east of Heydenreich Road and approximately 2000' north of 21 Mile Road; Northbranch Development, Petitioner. Permanent Parcel No. 08-27-100-027.

MOTION by KOEHS seconded by OLIVER to approve the Release of Monuments and Irons Bond; Summerfield Estates No. 4; Located east of Heydenreich Road and approximately 2000' north of 21 Mile Road; Northbranch Development, Petitioner. Permanent Parcel No. 08-27-100-027.

MOTION carried.

18. Request Local Approval of Liquor License Transfer for the Kit Kat Klub, Inc.

Supervisor BRENNAN reviewed the request.

Public Portion: None.

Petitioner: Joseph Strizic present.

MOTION by KOEHS seconded by DUNN to approve the Request Local Approval of Liquor License Transfer for the Kit Kat Klub, contingent upon that the petitioner signing the Townships covenant or contract not to engage in adult topless lewd and lascivious activity at the Bar, and that provision of condition be put specifically in the resolution. The resolution reads as follows:

*STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION*

RESOLUTION

At a regular meeting of the Macomb Township Board of Trustees called to order by Supervisor John

Brennan on May 14, 2003 at 7:00 p.m. the following resolution was offered:

Moved by Michael Koehs and supported by Janet Dunn

That the request from KIT KAT KLUB, INC. TO TRANSFER OWNERSHIP OF 2002 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 55140 ROMEO PLANK, MACOMB, MI 48042, MACOMB TOWNSHIP, MACOMB COUNTY, FROM RUDOLPH MILAKOVIC ESTATE; MARY ANN STRIZIC, PERSONAL REPRESENTATIVE.

Be considered for approval

APPROVAL

DISAPPROVAL

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*Yeas: Koehs, Dunn, Meerschaert
Malburg, Bucci, Oliver,
Brennan*

Yeas: None

Nays: None

Nays: None

Absent: None

Absent: None

It is the consensus of this legislative body that the application be recommended

*for issuance. Upon the petitioner signing the Townships covenant or contract not to engage adult topless
lewd and lascivious activity at the Bar.*

STATE OF MICHIGAN

§

COUNTY OF MACOMB

*I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the
Macomb Township Board of Trustees at a regular meeting held on May 14, 2003.*

(Signed) _____

*Michael D. Koehs
Macomb Township Clerk
54111 Broughton Road
Macomb, MI 48042*

SEAL

**FOR THIS MOTION: KOEHS, DUNN, MEERSCHAERT, MALBURG, BUCCI,
OLIVER, BRENNAN.**

OPPOSED: None.

ABSENT: None.

MOTION carried.

NEW BUSINESS:

19. Request to Adopt Resolution No. 1; Sycamore Estates Subdivision SAD
Retention Basin.

Supervisor BRENNAN reviewed the request.

**MOTION by BUCCI seconded by MALBURG to adopt Resolution No. 1 and
schedule the Public Hearing date for June 11, 2003; Sycamore Estates Subdivision
SAD Retention Basin.**

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MOTION carried.

20. Request to Adopt Resolution No. 1; Emerald Green Subdivision SAD Retention Basin. (Public Hearing Date: June 11, 2003 Twp Meeting)

Supervisor BRENNAN reviewed the request.

MOTION by KOEHS seconded by DUNN to adopt Resolution No. 1 and schedule the Public Hearing date for June 11, 2003; Emerald Green Subdivision SAD Retention Basin.

MOTION carried.

21. Model Permits; Adrienne Estates No. 2; Lot Nos: 35, 40, 41. & 44.

Supervisor BRENNAN reviewed the request.

MOTION by OLIVER seconded by KOEHS to approve the Model Permits; Adrienne Estates No. 2; Lot Nos: 35, 40, 41. & 44.

MOTION carried.

PARKS & RECREATION DEPARTMENT:

22. Seasonal employment request.

MOTION by OLIVER seconded by MALBURG to approve the request for fourteen (14) seasonal employment positions for the Parks & Recreation Department as submitted.

MOTION carried.

23. Request to Adopt Township Park Ordinance

Larry Dloski, Township Attorney reviewed the Township Park Ordinance.

MOTION by KOEHS seconded by OLIVER to adopt the Township Park Ordinance as follows:

TOWNSHIP OF MACOMB

COUNTY OF MACOMB

ORDINANCE NO. 218

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PARKS & RECREATION ORDINANCE

Title

An Ordinance establishing the following rules, regulations and controls for Operation of municipal parks within the Township of Macomb, prescribing a penalty for the violation thereof, and repealing all Ordinances and/or Resolutions in conflict therewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN ORDAINS:

Section 1. Short Title.

This Ordinance shall be known and cited as the Macomb Township Parks and Recreation Ordinance.

Section 2. Purpose.

The purpose of this Ordinance is to establish rules, regulations and controls for the operation and maintenance of parks; all so as to protect the health, safety and welfare of the citizens of the township.

Section 3. Definition.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol means beer, wine, spirits, or distilled alcohol beverages.

Amplified sound means music or speech projected or transmitted by artificial means, including but not limited to radios, tape players, televisions, amplifiers, loudspeakers, or any similar devices.

Department means the township parks, recreation and maintenance department.

Director means the director of the township parks, recreation and maintenance department or his designee.

Drugs means any controlled substances contained in schedules 1 through 5 of the Uniform Controlled Substances Act.

Fireworks means a device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both, by combustion, deflagration or detonation.

Law enforcement officer means a member of the Macomb County Sheriff Department and/or township Zoning Enforcement Officer authorized to enforce all criminal and traffic laws and ordinances within the township.

Litter means all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris or other foreign substances of every kind and description and all signs located upon public property.

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Park means any and all public parks, or recreation or playground areas, or building or facility on such areas, within the township owned and/or maintained by the township as a public park or recreation or playground area, whether or not such areas have been formally dedicated to such purpose, including facilities such as the township community center and other recreational township buildings.

Parking area means any designated park or any park road, drive or special area contiguous to such area that is set apart for the standing or stationing of vehicles and is marked accordingly.

Pollution means the contamination or other alteration of the physical, chemical or biological properties of park waters, including changes in the temperature, taste, color, turbidity or odor of the water, or such discharge of any liquid, gas solid, radioactive or other substance into any park waters that will or is likely to create a public nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, recreational or other beneficial uses, or to wild animals, birds, fish or other aquatic life.

Resident means a person who owns or rents a residential unit within the corporate limits of the township or within the Township of Macomb.

Vehicle means any device of conveyance, whether propelled by motor, animal or human power. The term shall include any trailer in tow of any kind, size or description. Exception is made for baby carriages and vehicles in the service of the township.

Section 4. Regulations; fees.

The township board may by resolution adopt regulations and controls of activities occurring within the boundaries of the park. Further, the township board may by resolution establish fees for admission to or parking within the boundaries of the park. All such regulations and/or fees shall be clearly posted at the entrance to the park.

Section 5. Dangerous or obnoxious materials or equipment.

(a) No person shall litter, deposit or abandon in or on any lands or water areas within the boundaries of the park any garbage, sewage, bottles, refuse, trash, waste or other obnoxious material except in receptacles provided for such purposes.

(b) No person shall have in his possession or control any glass bottle or container in or on any baseball diamond in the park or in any other locality in the park where possession of glass bottles and containers is prohibited by posted notices.

(c) No person shall have in his possession or control any slingshot, pellet gun, air rifle, fireworks, explosives or other dangerous materials within the boundaries of the park.

Section 6. Alcoholic beverages.

(a) No person shall have in his possession within the boundaries of the park any alcoholic beverage.

(b) No person shall consume any alcoholic beverages within the boundaries of the park.

Section 7. Bill posting

(a) In streets. No person shall attach, place, paint, write, stamp or paste any sign, advertisement or any other matter upon any lamppost, electric light, railway, telegraph or telephone pole, shade tree, fire

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hydrant or on anything within any park. Public officers posting any notice required or permitted by law shall be excepted from the provisions of this section.

(b) Private places. No person shall attach, place, paint, write, stamp or paste any sign, advertisement or any other matter upon any house, wall, fence, gate, post or tree without first having obtained the written permission of the owner or occupants of the premises and having complied with all provisions of this Code pertaining thereto.

(c) Handbills. No person shall scatter or distribute on or along any public street or

municipality owned parking lot or distribute or place, or cause to be distributed or placed, on or in any motor vehicle on any public street or municipality owned parking lot in the township, any commercial literature, advertising material, commercial handbill or other advertising paper.

(d) Temporary signs. Temporary directional signs for group picnics or events may be placed on signposts designated for such purposes by the township board and must be removed at the conclusion of the event.

Section 8. Unlawful fires.

(a) No person shall start or maintain a fire within the boundaries of the park except in picnic stoves, fireplaces or spaces provided for such purpose.

(b) No person shall dump any burning material or hot ashes into any trash containers or elsewhere within the boundaries of the park unless such container or locality shall be marked as a receptacle for such material.

(c) Extinguishing: No person starting or maintaining any fire in a park shall leave the area where the fire is located without completely extinguishing the fire.

Section 9. Closing of park.

(a) No person shall enter or remain in the park after the posted closing hours except by written permission of the township board.

(b) No person shall use or occupy any area or facility in the park when such area or facility is closed to the use of the public by order of the township board.

Section 10. Commercial activities.

No person or organization other than the township board, its hires and licensees shall, within the boundaries of the park, advertise, offer for hire, vend or sell any service, food, beverage, merchandise or other personal property or advertise, carry on or conduct any other business or commercial activity; nor shall any person or organization beg or solicit contributions or donations within the boundaries of the park.

Section 11. Motor-driven vehicles.

(1) Uniform Traffic Code applicable. All applicable state and local vehicle and traffic laws and provisions of this Ordinance shall continue in full force and effect in any park and shall be enforced by any law enforcement officer or park guard.

(2) Operation within park.

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(a) *Designated driveways or areas. No person shall operate a vehicle in a park except upon designated paved or improved park roads or driveways or in and upon designated areas or trails set aside for use by such vehicles, unless directed by a law enforcement officer or park guard to do so, or by official signs or markings.*

(b) *Speed limit. No person shall operate a vehicle within the park in excess of 15 miles per hour, except upon those roads or driveways where official signs or markings designate a different speed limit.*

(3) *Parking.*

(a) *Designated areas. No person shall park a vehicle on park property other than in areas designated for parking that type of vehicle unless there is an emergency or unless directed to do otherwise by a law enforcement officer or a park guard. Parking shall conform to officially posted signs or markings unless other instructions are given by a law enforcement officer or park guard.*

(b) *After-hours parking. No vehicle shall be left parked on park property after park closing hours without obtaining a permit from the director.*

Section 12. Off-the-road vehicles.

No person shall operate within the boundaries of the park any off-the-road motor-driven vehicle, including, by way of example but not by way of limitation any minibike, motorcycle, dunemobile, snowmobile, converted snowmobile, all-terrain vehicle, amphibious vehicle or similar motorized device; however; this section shall not apply to licensed motorbikes or motorcycles used as a means of transportation to and upon the roadways of the park.

Section 13. Preservation of Property and Natural Resources.

(a) *No person shall injure, deface, disturb, befoul nor in any manner destroy or cause to be destroyed any portion of the park or any facility, building, sign, structure, equipment, utility or other property found therein.*

(b) *No person shall dig for, remove, injure or destroy any tree, flower, shrub, plant or growing thing or any wildlife, except as otherwise provided by law, or any rock, mineral, artifact or other material within the boundaries of the park without written permission from the township board.*

(c) *No person shall climb any fences, buildings, or trees situated on or within the boundaries of the park.*

Section 14. Musical Instruments, radios, record or tape players, and sound amplifying devices.

No person shall operate or play any musical instrument, radio, mechanical record or tape player, loudspeaker, public address system, or sound amplifying equipment of any kind within the boundaries of the park in such a manner as to cause the sound emanating from such devices to exceed a loudness of 75 decibels when measured on the 70 dbA scale at a distance of 15 feet from the sound source without a written permit issued by the township board.

Section 15. Receipt of service, privilege or license without payment of fee.

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Where a fee or charge is requested for any service, privilege or license offered by the township board or its licensees within the boundaries of the park, no person shall obtain or attempt to obtain such service, privilege or license without payment of such fee or charge.

Section 16. Disorderly conduct.

No person or group of persons shall engage in any drunken, loud, boisterous, disorderly or indecent conduct or exposure nor shall any person or group of persons commit or engage in any assault or other activity which shall endanger or annoy other persons or disturb the peace or good order within the boundaries of the park.

Section 17. Games.

(a) Involving propelled objects. No person in a park shall take part in or abet the playing of any games involving thrown or otherwise propelled objects such as stones, arrows, javelins, or model airplanes except in areas set apart for such forms of recreation.

(b) Golf. No person in a park shall drive or putt a golf ball or otherwise practice the game of golf in a public park or playground.

Section 18. Prohibitions and restrictions.

(a) Loitering. No person shall loiter in, about or upon any drive, walk, lane, parking lot or other place in any park owned or operated by the township. For purposes of this section, the term "loitering" means any act of standing or idling about, whether done by an individual or group of individuals, which hinders or impedes, or tends to hinder or impede, the passage of vehicles or pedestrians, or which is done for the purpose of doing any of the acts prohibited by any provision of this Ordinance or state statute.

(b) Drunkenness. No intoxicated person shall enter, be in or remain in any park. Any such person so found in a park shall be either arrested or ejected from the park.

(c) Malicious destruction.

(1) Restrooms and washrooms. No person shall:

- a. Maliciously destroy, damage, deface, injure or break any fixture, appliance, mirror, window or similar structure or appurtenance in any restroom or washroom in a park;*
- b. Willfully cause water to overflow from any sink, urinal or toilet fixture.*
- c. Willfully deposit any materials of any description whatsoever into any such fixture with the intent of damaging, clogging or preventing its operation thereof, or*
- d. Mark, write paint or otherwise deface any floors, walls, ceilings, doors, windows, countertops, mirrors or other surfaces in any such restroom or washroom in a park.*

(2) Facilities and property. No unauthorized person shall in any township park do or cause to be done either of the following:

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- a. *Willfully mark, deface or injure in any manner or displace, remove or tamper with any park building, bridge, table, bench, fireplace, railing, paving or paving materials, water line or other public utility or parts, park sign or marking, whether temporary or permanent, monument, stake, post or other structure or equipment, facility or park property of any kind.*
 - b. *Willfully dig, cut move or remove from any park or park area any sand, wood, turf, grass, gravel, shrub, or other material, or make any excavation by hand, tool, equipment, blasting or any other means.*
- (3) *Trees, shrubbery and lawns. No unauthorized person shall in any township park do or cause to be done any of the following:*
- a. *Willfully pick, saw, chop, cut, carve, remove or injure any flowers, seeds, blooms, bark, branches, twigs or leaves of any tree, plant, shrub, vine, bush or any other vegetation.*
 - b. *Willfully drive any nail, staple or attach or fasten any wire, rope or other device to any tree or plant, or tie or hitch any animal to any tree or plant.*
 - c. *Willfully climb any tree, or walk, stand or sit upon any monument, vase, fountain, railing, fence or any other park property not designated or normally used for such purposes.*
 - d. *Willfully dig in or disturb any grass areas, or in any way injure or impair the natural beauty or usefulness of any park area.*
- (4) *Wildlife. No person shall in any township park do or cause to be done any of the following without first obtaining a permit from the director:*
- a. *Willfully capture, attempt to capture, hunt, molest, injure, trap or administer or set out any bait or harmful substance for any wild or domestic animal, reptile, bird or fish, not remove or have in his possession the young, eggs, or nest of any animal, reptile or bird.*
 - b. *Willfully give or offer or attempt to give or offer to any wild or domestic animal, reptile, bird or fish any tobacco, alcohol or other potentially harmful substance.*

Section 19. Firearms and dangerous instruments or agents.

(a) *Possession. No person except an authorized township employee, park guard, law enforcement officer or military personnel shall bring onto park property or have in his possession on park property any firearms or ammunition, any explosive, dynamite cap, fireworks, airgun, pellet gun, spring gun, slingshot, crossbow, bow and arrow, any device which can be loaded with blank cartridges, any trapping device, any incendiary bomb or material, any smoke or stink bomb, any tear gas or other disabling chemical or agent, any acid or caustic substance, or any flammable liquid.*

(b) *Discharge. No person shall discharge any of the weapons or instruments listed in subsection (a) of this section into any park from outside a park.*

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(c) *Prohibition of fireworks. No person shall use, explode or cause to explode fireworks in any park of the township.*

(d) *Prohibition of drugs. No person shall use a controlled substance unless the substance was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice.*

(e) *Sanitation. No person shall in any township park do or cause to be done any of the following without first obtaining a permit from the director:*

- (1) *Pollution of waters. Willfully throw, discharge or otherwise place of cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park any substance, matter or thing, liquid or solid, which will or may result in the pollution of the waters.*
- (2) *Bring waste in. Willfully deposit refuse or waste material which has originated outside a park, in receptacles provided for park users.*
- (3) *Construction. No erection, construction or maintenance shall be made above or below ground within a park by persons other than township employees or agents except with specific permit by the township.*
- (4) *Other ordinances and state laws. No person shall violate any of the provisions of any other ordinance of the township or law of the state upon the premises of any park.*

Section 20. Animals and Pets.

(a) *Leashed. No domestic animal or pet shall be permitted in a park unless they shall be under immediate control on a leash not exceeding six feet in length held by its handler at all times.*

(b) *Riding animals. A person shall not ride, permit or allow horses or other riding animals in a park except on bridle trails designated by the township board of trustees or the parks, recreation and maintenance department.*

(c) *Livestock. No person shall drive or cause to be driven any other livestock within a park or to allow any animal to run at large with a park.*

(d) *Waste.*

- (1) *The handler of a domestic animal or pet shall immediately remove for deposit into a waste receptacle, any fecal waste eliminated by that animal or pet and shall not permit fecal material to remain on the ground, sidewalk, roadway, path, trail, athletic field, open space, or any other area of any park.*
- (2) *At all times while in a park, the handler of a domestic animal or pet shall possess a container or other implement of sufficient size to collect and remove any fecal waste eliminated by that animal or Pet, and shall exhibit the container or implement when requested by any official empowered to enforce this article.*

(e) *Athletic Events, Except with the written approval of the parks, recreation and maintenance department, no domestic animal of pet shall be permitted within 20 feet of the perimeter of the*

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field or play of any athletic event. By way of description, but not limitation, the term "athletic event" includes the practice and playing of baseball, football, soccer, basketball, and other traditional spectator sports, including warm ups, timeouts, intermission and half time; and the term "field of play" is defined as the area where play is permitted by that events rules.

(f) Exception

- (1) *The provisions of this subsection shall not be applicable to a dog which is used as a guide or leader dog for a blind person, a hearing dog for a deaf or audibly impaired person, or a service dog for a physically limited person.***
- (2) *As used in this subsection:***
 - (a) *Audibly impaired means audibly impaired as defined in Section 1 of Public Act No. 82 of 1981 (MCL 752.61, MSA 28.770(11)).***
 - (b) *Blind persons means a blind person as defined in Section 1 of Public Act No. 260 of 1981 (MCL 752.61, MSA 28.770(11)).***
 - (c) *Deaf person means a deaf person as defined in Section 1 of Public Act NO. 260 of 1981 (MCL 752.61, MSA 28.770(11)).***
 - (d) *Physically limited means physically limited as defined in Section 1 of Public Act No. 1 of 1966 (MCL 125.1351, MSA 3.447(1212)).***

Section 21. Violation: penalty

Any person who violates the provisions of this Ordinance shall, upon conviction thereof, be guilty of a misdemeanor, and be subject to a penalty not to exceed \$500.00 or imprisonment in the Macomb County Jail for a period not to exceed 90 days, or both such fines and imprisonment at the discretion of the Judge.

Section 22. Repeal of Conflicting Provisions

All Resolutions, Ordinances or parts thereof conflicting with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Section 23. Severability

If any section, paragraph, clause, or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity of unconstitutionality of said section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

Section 24. Publication

A true copy of this Ordinance or summary thereof shall be published in the Macomb Daily, a newspaper of general circulation in the Township of Macomb.

Section 24. Effective Date

This Ordinance shall take effect 30 days from and after the publication of a true copy or summary thereof as provided in Section 10.

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CERTIFICATION OF TOWNSHIP CLERK

I hereby certify that the attached constitutes a true and complete copy of an Ordinance duly adopted by the Township of Macomb, County of Macomb County, Michigan at a meeting held on the 14th day of May, 2003, by the following vote of the members thereof:

AYES: **MEMBERS:**
Michael D. Koehs, Charles Oliver, Marie Malburg, Janet Dunn, Dino F. Bucci, Jr.,
Kennenth G. Meerschaert, Jr., John D. Brennan.

NAYS: MEMEBERS:
None.

ABSENT: MEMEBERS:
None.

This Ordinance was published in the Macomb Daily Newspaper as required by law in its edition for Thursday May 22, 2003.

*Michael D. Koehs, Clerk
Macomb Township*

**FOR THIS MOTION: KOEHS, OLIVER, DUNN, BUCCI, MEERSCHAERT,
MALBURG, BRENNAN.**

OPPOSED: NONE

ABSENT: NONE

MOTION carried.

Addition:

23a. Bond Issue; Parks & Recreation

Supervisor BRENNAN reviewed the request.

MOTION by KOEHS seconded by DUNN to approve the resolution for the supplemental contract with the Building Authority to Bond 2.7 million for the construction of the 25 Mile Road Park Phase 1 as follows:

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COUNTY OF MACOMB, STATE OF MICHIGAN

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RESOLUTION APPROVING SUPPLEMENTAL
BUILDING AUTHORITY CONTRACT

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, State of Michigan, held on the 14th day of May, 2003, at 7:30 o'clock p.m., Eastern Daylight Time.

PRESENT: Michael D. Koehs, Janet Dunn, Marie Malburg, Dino Bucci Jr., Charles Oliver, Kenneth Meerschaert Jr., and John D. Brennan.

ABSENT: None.

The following preamble and resolution were offered by Member and supported by Members:

WHEREAS, there has existed and still exists in and for the Township of Macomb, County of Macomb, Michigan (the "Township"), a need to acquire, construct, furnish and equip certain recreational improvements, together with necessary and related appurtenances, and attachments thereto as described in the Contract, as defined herein (the "Projects"); and

WHEREAS, the Township board hereby again determines that it is necessary for the public health, safety and welfare of the Township to acquire the Projects for the use of the Township; and

WHEREAS, Act 31, Public Acts of Michigan, 1948(First Extra Session), as amended ("Act31"), provides through the procedures of building authority financing a means for the acquisition, construction and financing of public buildings and facilities, including the Projects; and

WHEREAS, the Township, in accordance with the provisions of the Act 31, as amended, has previously adopted Articles of Incorporation and has established the Macomb Township Building Authority (the "Authority"), with full powers to acquire and construct such buildings and facilities; and

WHEREAS, the Township Board again determines it to be in the best interest of the Township to acquire and finance the Projects through the Authority in accordance with the provisions of the Act 31, as amended; and

WHEREAS, a Limited Tax Full Faith and Credit General Obligation Contract of Lease, dated as of February 28, 2001, (the "Contract") between the Township and the Authority providing for the acquisition, construction and financing of the Projects and such matters as are deemed necessary thereto was prepared; and

WHEREAS, pursuant to the Contract, the Authority issued, as part of its \$10,000,000 2001 Building Authority Recreation and Refunding Bonds, bonds in the amount of \$2,600,000 to pay part of the cost of the Projects; and

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WHEREAS, an Amended and Restated Limited Tax Full Faith and Credit General Obligation Contract of Lease, dated as of November 28, 2001 (the "Amended Contract") between the Township and the Authority again providing for the acquisition, construction and financing of the Projects and such matters as are deemed necessary was prepared; and

WHEREAS, pursuant to the Amended Contract, the Authority issued its \$12,700,000 Building Authority Bonds, Series 2002 to pay part of the cost of the Projects; and

WHEREAS, a Supplemental Limited Tax Full Faith and Credit General Obligation Contract of Lease, dated as of May 14, 2003 (the "Supplemental Contract") between the Township and the Authority again providing for the completion of the acquisition, construction and financing of the Projects and such matters as are deemed necessary thereto has been prepared; and

WHEREAS, in reliance upon the lease payments of the Township payable under the Supplemental Contract, the Authority intends to issue its building authority bonds in a final series pursuant to Act 31 for the purpose of paying all the remaining costs of the Projects; and

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Township Board hereby again determines it to be necessary for the public health, safety and welfare of the Township to continue to acquire and complete the Projects substantially as set forth in the Contract, the Amended Contract and the Supplemental Contract for the use of the Township.

2. The Township Board again deems it to be in the best interest of the Township to finance the remaining cost of such facilities through the Authority in accordance with the provisions of Act 31.

3. The Township Board hereby approves the Supplemental Contract in substantially the form accompanying this Resolution for the remaining acquisition and financing of the Projects, with such changes or revisions as may be necessary or advisable from time to time prior to the sale of the Bonds as approved by the Supervisor.

4. The Supervisor and the Township Clerk are hereby authorized to execute and deliver to the Authority the Supplemental Contract approved by this resolution. A copy of the Supplemental Contract shall be placed on file in the office of the Township Clerk and shall be available for public examination.

5. The Township Board does hereby ratify and confirm its covenant in the Supplemental Contract to levy ad valorem taxes against all taxable property in the Township to the extent necessary to meet the obligations of the Township thereunder in the event revenues from other sources are insufficient for any reason whatsoever. Any such taxes levied to pay the cash rental under the Supplemental Contract shall be limited as to rate or amount in the manner provided by law, and the Township Board hereby irrevocably pledges the recreational millage approved by the electors and which the Township is authorized to levy through December, 2021 as the primary source of payments by the Township under the Supplemental Contract.

6. The Supervisor, Clerk and Treasurer are each authorized and directed, on behalf of the Township to take any and all actions, perform any and all acts and execute

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any and all contracts, applications and other documents as shall be required, necessary or desirable to effect the proper public or private sale, execution and delivery of the Bonds and to implement the Supplemental Contract, including, but not limited to: applying for ratings on the Bonds and consulting with rating agencies in connection therewith and causing a preliminary and final official statement with respect to the Bonds to be prepared and circulated.

7. The Supervisor, Clerk and Treasurer, or any of them, are also hereby authorized and directed, on behalf of the Township, to execute and delivery any documents or contracts necessary and advisable to accomplish the assignment or other conveyance of the Township's leasehold interest in the Site (as defined in the Supplemental Contract) with respect to the financing contemplated herein.

8. The Township Board shall take actions within its control and it shall not fail to take any action as may be necessary to maintain the exemption of interest on the bonds issued by the Authority for the Projects from gross income for Federal income tax purposes pursuant to the Internal Revenue Code of 1986, as amended (the "Code").

9. All resolutions and parts of resolutions insofar as the same conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: KOEHS, OLIVER, DUNN, MEERSCHAERT, MALBURG, OLIVER, BRENNAN

NAYS: NONE.

NOT VOTING: NONE.

RESOLUTION DECLARED ADOPTED

Michael D. Koehs, Township Clerk

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Township Board of the Township of Macomb, County of Macomb, State of Michigan, at a regular meeting held on May 14, 2003, and that the meeting was conducted and public notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of the meeting were kept and will be or have been made available as required by the Act.

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Michael D. Koehs, Township Clerk

MOTION carried.

Addition:

23b. Bid Award Contract; North 25 Mile Road Park

The members of the Board and Township Attorney held further discussion regarding the Bid Award Contract.

MOTION by DUNN seconded by KOEHS to award the bid for the Park Development to ABC Paving Company in the amount of Two Million Six Hundred Forty Seven Thousand Five Hundred dollars and 00/100 (\$2,647,500.00) and to also adopt the recommendation of Beckett & Raeder, submitted in writing dated May 14, 2003 which expressly states Beckett & Raeders reasons why the Township should accept the second lowest bidder as oppose to the lowest bidder.

MOTION carried.

WATER/SEWER DEPARTMENT:

24. Easement Encroachment Agreement, Jeffrey P & Carolina Mastej, 49750 Cumberland Drive, Macomb, MI 48044, Lot 110, Deerfield Park Subdivision No. 2. Permanent Parcel No. 08-22-379-030.

David Koss, Water & Sewer Department Superintendent reviewed the request.

MOTION by MEERSCHAERT seconded by KOEHS to approve the Easement Encroachment Agreement, Jeffrey P & Carolina Mastej, 49750 Cumberland Drive, Macomb, MI 48044, Lot 110, Deerfield Park Subdivision No. 2. Permanent Parcel No. 08-22-379-030.

MOTION carried.

25. Easement Encroachment Agreement, William C. & Sonia L. DeMeyer, 49393 Maplewood Lane, Macomb, MI 48044, Lot 89, Walnut Creek Subdivision.

David Koss, Water & Sewer Department Superintendent reviewed the request.

MOTION by BUCCI seconded by OLIVER to approve the Easement Encroachment Agreement, William C. & Sonia L. DeMeyer, 49393 Maplewood Lane, Macomb, MI 48044, Lot 89, Walnut Creek Subdivision. Permanent Parcel No. 08-20-376-007.

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MOTION carried.

26. Easement Encroachment Agreement, Kurt & Giselle Kunzat, 51346 Midland Circle, Macomb, MI 48042, Lot 63, Woodside Trails Subdivision.

David Koss, Water & Sewer Department Superintendent reviewed the request.

MOTION by MEERSCHAERT seconded by KOEHS to approve the Easement Encroachment Agreement, Kurt & Giselle Kunzat, 51346 Midland Circle, Macomb, MI 48042, Lot 63, Woodside Trails Subdivision. Permanent Parcel No. 08-16-354-009.

MOTION carried.

27. Easement Encroachment Agreement, Michael R. & Karen A. Simurdiak, 52131 Powderhorn Drive, Macomb, MI 48042, Lot 138, Deerwood Subdivision No. 3

David Koss, Water & Sewer Department Superintendent reviewed the request.

MOTION by OLIVER seconded by MALBURG to approve the Easement Encroachment Agreement, Michael R. & Karen A. Simurdiak, 52131 Powderhorn Drive, Macomb, MI 48042, Lot 138, Deerwood Subdivision No. 3. Permanent Parcel No. 08-18-179-003.

MOTION carried.

28. Printing and Postage for annual Water Connection Report.

David Koss, Water & Sewer Department Superintendent reviewed the request.

MOTION by DUNN seconded by OLIVER to follow the recommendation for Triangle Printing Company to print the annual water connection report total cost of Eight Thousand Eight Hundred Forty Three dollars and 00/100 (\$8,843.00).

MOTION carried.

29. Temporary Cement Batch Plant Operations Request, John Carlo Incorporated.
A. Sycamore Estates Subdivision

David Koss, Water & Sewer Department Superintendent reviewed the request.

MOTION by BUCCI seconded by DUNN to approve the Temporary Cement Batch Plant Operations Request, John Carlo Incorporated for Sycamore Estates Subdivision conditioned upon the relocation of the site.

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MOTION carried.

30. Approval of Purchase Requisitions:
A. Kennedy Industry

David Koss, Water & Sewer Department Superintendent reviewed the request.

MOTION by KOEHS seconded by MALBURG to approve the purchase requisition for Kennedy Industry total cost of Three Thousand Seven Hundred Ten Dollars and 00/100 (\$3710.00) as submitted.

MOTION carried.

Addition:

- 30b. Water & Sewer Matter

David Koss, Water & Sewer Department Superintendent reviewed the request.

MOTION by DUNN seconded by MEERSCHAERT to accept the retirement request letter from employee Roy Geer. Date of retirement June 16, 2003 as submitted.

MOTION carried.

SUPERVISOR COMMENTS:

31. Request to renew the Micro Science, Inc. Computer Software Systems and Consultants Contract.

MOTION by DUNN seconded by MALBURG to approve the Micro Science, Inc. Computer Software Systems and Consultants Contract for one year.

MOTION carried

Revised No. 32

32. Ratification of a Phone Poll; Computer Engineering Services SYO Inc; installation of hardware for internet access.

MOTION by DUNN seconded by OLIVER to approve the Ratification of a Phone Poll; Computer Engineering Services SYO Inc; installation of hardware for internet access as discussed.

MOTION carried.

Addition:

- 32a. Extension SYO stabilization period.

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MOTION by DUNN seconded by BUCCI to grant the Extension SYO stabilization period for a three day a week program and a time period of four weeks as discussed.

MOTION carried.

Addition:

32b. Request for 360 Network USA; Request to use the Townships Right of ways.
Section 5.3 of the new Metro Ordinance

Larry Dloski, Township Attorney reviewed the request. Larry Dloski, Township Attorney stated that the Networks (USA), Inc. have agreed to pay the Five Hundred dollars and 00/100 (\$500.00) administration fee since we cannot make that as part of the recommendation due to Section 5.3 of the Metro Ordinance.

MOTION by DUNN seconded by OLIVER to approve the application for 360 Networks (USA), Inc. for one year conditioned upon 360 Network (USA), Inc. provides more detailed description of Public Rights of Way being used and that they provide a fifty thousand dollar and 00/100 (\$50,000.00) Corporate surety performance bond to guarantee that the work they will do will not interfere with the Townships facilities.

MOTION carried.

Addition:

32c. Calcium Chloride Contract with the Road Commission of Macomb County.

MOTION by KOEHS seconded by OLIVER to approve the Calcium Chloride Contract for the upcoming year with the Road Commission of Macomb County as discussed.

MOTION carried.

Addition:

32d. Township Sign Locations

MOTION by MEERSCHAERT seconded by KOEHS to approve two more additional Township Sign locations.

MOTION carried.

32e. Announcements of Township Website

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MOTION by DUNN seconded by KOEHS to follow John D. Brennan, Township Supervisors recommendations and proceed with the Township Website with Roberts Ink with a total cost of approximately One Thousand dollars and 00/100 (\$1,000.00) to start the basic website. Any updates to this site would be a charge of Twenty Five Dollars (\$25.00) per hour. It is also noted that Roberts Ink stated that he will break the hourly rate down to quarters.

MOTION carried.

Addition:

32f. Township Emergency Sirens System – Informational

Supervisor BRENNAN reviewed Township Emergency Sirens System working well. A great thanks to everyone involved especially Kenneth Meerschaert Sr.

Addition:

32g. Interview Architect for Fire Department Buildings

MOTION by BUCCI seconded by KOEHS to approve Two (2) more Fire Stations for the Township of Macomb.

Addition:

32h. The Cops program

MOTION by KOEHS seconded by DUNN by to follow John D. Brennan, Township Supervisor's recommendation and add one (1) Police Officer under this Twenty Five Thousand Dollar a year for three years grant project as discussed.

MOTION carried.

Addition:

32i. New Hires

MOTION by MEERSCHAERT seconded by OLIVER to approve the ratification of a phone pole of employee Karen Burden.

MOTION carried.

MOTION by KOEHS seconded by OLIVER to approve to promote Water & Sewer Department Employee Ray Schmidt from the Utility Position to the Inspector Position.

MOTION carried.

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MOTION by OLIVER seconded by BUCCI to authorize the posting of the Water & Sewer Department Utility Position for a time period of five days internally. After the duration of five days, the Board grants authorization to use the panel currently interviewed as discussed for the vacancy of the Water & Sewer Department Utility Position.

MOTION carried.

Addition:

- 32j. A Proposal brought to the Township Board from residents on Marseilles regarding a special assessment district for sewer.

Informational

Addition:

- 32k. Information regarding the Governors new land use leadership council and Macomb Township.

Informational

CLERK COMMENTS:

- 33a. Information regarding Michaels v Macomb Township case.

Clerk KOEHS reviewed with Larry Dloski, Township Attorney the status on the Michaels v Macomb Township case. Larry Dloski, Township Attorney stated its hopefully beginning to come to a favorable end for the Township after many years of struggle.

- 33b. Information regarding franchise fees for communications that the Township Board acted on at a previous meeting.

Clerk KOEHS stated at last the board meeting the franchise fee was approved. KOEHS stated we are now able to access the money for the 2003 cycle and received a letter from the Metro Authority indicating that the resolution and ordinance was received and that we are eligible for it. Clerk KOEHS stated copies of the Parks & Recreation Master Plan are available at the Township.

TREASURERS COMMENTS: None.

TRUSTEES COMMENTS:

Trustee MEERSCHASERT suggested that Water & Sewer Department future retiree Mr. Roy Geer receive recognition from the Township for his many years of dedicated work.

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Supervisor BRENNEN reviewed with Mr. David Koss, Water & Sewer Department Superintendent that they will discuss future arrangements for Mr. Geer. Trustee DUNN stated Trustee OLIVER was nominated by the County Commissioner, Rengert as an outstanding volunteer and congratulated Trustee OLIVER.

MOTION by BUCCI seconded by DUNN to adjourn into the closed executive session at 10:38 P.M.

MOTION carried.

Meeting reconvened at 10:50 P.M.

CLOSED EXECUTIVE SESSION:

34. Gambino & Fairways of Macomb v Macomb Township; Proposed Consent Judgment.

MOTION by KOEHS seconded by MEERSCHAERT to table until June 11, 2003 the Gambino & Fairways of Macomb v Macomb Township; Proposed Consent Judgment.

MOTION carried.

35. Bielat v Macomb Township.

Informational

ADJOURNMENT

MOTION by MEERSCHAERT seconded by BUCCI to adjourn the meeting at 10:56P.M.

MOTION carried.

Respectfully,

John D. Brennan, Supervisor

Michael D. Koehs, Clerk

Gabrielle M. Baker, Recording Secretary
MDK/gmb